

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

[www.spb.ca.gov](http://www.spb.ca.gov)

Public Session Location - Room 150  
Closed Session Location - Room 141

TWO-DAY BOARD MEETING - FEBRUARY 6-7, 2001

FULL BOARD MEETING MINUTES

FEBRUARY 6, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member (Via Tele-Conference)

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Bill Heal was appointed Chief of the Board's Appeals Division and Kathy Vaughn appointed Chief of the Policy Division.
- B. Governing Magazine has released its evaluation of the states. California's human resources improved from a C- to a C.

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- C. The recent IPMA newsletter contains an article on recruitment written by Shelley Langan of the State Personnel Board staff.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Court of Appeal

- A. Burks v. State Personnel Board (SPB) - Court confirmed its tentative ruling affirming the trial court's dismissal of Burk's complaint alleging violations of the Bagley-Keene Act.
- B. Association of California State Attorneys and Administrative Law Judges (ACSA) v. SPB - Supplemental brief will be filed on February 9, 2001, to address the court's questions.
- C. Brown v. SPB/Department of General Services - In an unpublished decision, the First District Court of Appeal has sustained trial court decision overturning the Board's precedential decision in this case on the grounds that Brown should have been accorded a Skelly-type hearing prior to the department applying for disability retirement on his behalf. Subsequent to the Board's decision in this case, the Board successfully sponsored legislation that created the right to such a hearing in such cases-thus, the decision, even if it had been published, would be of little practical effect beyond the petitioner in this case.

Superior Court

- A. Pera v. SPB/Department of Social Services - Superior Court entered judgment denying petition for writ of mandate challenging the Board's decision in this case. The Board had determined that the petitioner was ineligible for employment as a Social Work Associate because petitioner failed a pre-employment drug test.

Other

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- A. The State Personnel Board has been invited to be a paid co-sponsor of a conference sponsored by UC Davis entitled "Employment Related Mediation in Higher Education and Public Employment" and SPB's Chief Counsel, Elise S. Rose has been invited to speak on one the panels.
  - B. SPB staff counsel Bruce Monfross has, with assistance of Jerry Donel of SPB's PRID division, made a number of presentations on the changes to the State Health Questionnaire. A task force is being formed to solicit formal input on possible modifications to the questionnaire. Information about the questionnaire is available on SPB's web-site.
  - C. Department of Personnel Administration's Respondent's Counsel Roundtable - SPB's Chief Counsel, Elise S. Rose, Bill Heal, Chief, SPB'S Appeals Division and SPB Appeals Division Manager, Gladys Washington appeared at the Board's February 6, 2001 meeting to address the group on changes in the Appeals Division and to answer their questions on the processing of evidentiary appeals.
4. REPORT ON LEGISLATION - Judy Balmain
- The Board was advised of the following:
- A. The Energy crisis is the major issue confronting the Legislature and the Administration at this time, until that is resolved; there will not be much activity other than meeting the legislative deadlines.
  - B. Staff is preparing for the "Whistleblower" hearing conducted by the Senate Select Committee on Government Oversight scheduled for February 28, 2001.
5. ORAL ARGUMENT
- Oral argument in the matter of CARLA EGGMAN-GARRETT, CASE NO. 00-0008. Appeal from rejection during probationary period. Department of Corrections.

Persons Participating:

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Ken Murch, Consultant, California Association of Psychiatric Technicians (CAPT) representing appellant. Sally Y. Kim, Staff Counsel, representing Department of Corrections

ACTION: Submitted

6. TECHNICAL TRAINING PROGRAM'S SELECTION ANALYST  
CERTIFICATE PRESENTATION

ACTION: Presentation made

7. ORAL ARGUMENT

Oral argument in the matter of GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health.

Persons Participating:

Bradley R. White, Attorney at Law, representing appellant Linda M. Nelson, Labor Relations Counsel (DPA), representing Department of Mental Health

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of MARTIN SMITH, CASE NO. 98-4017P. Appeal from dismissal. Department of Fish & Game.

Persons Participating:

Barry J. Bennett, Attorney at Law, representing appellant Christopher E. Thomas, Labor Relations Counsel (DPA), representing Department of Fish and Game.

ACTION: Submitted

9. ORAL ARGUMENT

Oral argument in the matter of LAQUITA PETERSON, CASE NO. 99-5285. Appeal from demotion. Department of Corrections.

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Persons Participating:

Jim T. Elia, Attorney at Law, representing appellant  
James D. Madison, Staff Counsel, representing Department  
of Corrections

ACTION: Submitted

10. HEARING - BILINGUAL SERVICES IN STATE GOVERNMENT  
Will address bilingual services provided by State  
government. The Dymally-Alatorre Bilingual Services Act,  
Government Code Section 7290-7299.8 provides for  
effective communication between the State's residents and  
the State of California. The Act is intended to ensure  
that the limited or non-English speaking residents of  
California are not prevented from using public services  
because of language barriers

Persons Participating:

Celinda Vasquez, Senator Escutia's Office  
Mary Heim, Department of Finance  
Pablo Wong, Ca. State Automobile Association  
Johnny Oh, Department of Social Services  
Christine Webb-Curtis, Department of Social Services  
Lori Fujimoto, Employment Development Department  
Ted Boughton, Department of Motor Vehicles  
Sarah Mercer, MALDEF  
Obiel Leyva, Health Access  
Rini Chakraborty, Ca Immigrant Welfare Collaborative  
Efrain Gutierrez, Chicano Consortium  
May Lee, Asian Resources  
Jeff Ponting, CRLA-Fresno  
Santiago Ventura, CRLA-Fresno  
Suzanna Gee, Protection and Advocacy, Inc.  
Kevin Aslanian, CCWRO  
Adina Medina, LaFamilia

ACTION: Hearing held

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A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
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CONCURRENT BOARD MEETING MINUTES

FEBRUARY 7, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member (Via Tele-Conference)

2. HEARING

BEHAVIOR SPECIALIST I

BEHAVIOR SPECIALIST II

The Department of Developmental Services requests approval to establish the classifications of Behavior Specialist I and Behavior Specialist II with 12-month probationary periods; and to designate these classifications as sensitive for the purpose of pre-employment drug testing.

AND

CHIEF OF PROTECTIVE SERVICES, DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)

PEACE OFFICER, DEVELOPMENTAL CENTER

FIRE FIGHTER/FIRE CHIEF

The Department of Developmental Services (DDS) requests approval to establish the classification of Chief of Protective Services, DDS with a 12-month probationary

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period; to designate the classification as sensitive under the provisions of State Personnel Board (SPB) Rule 213 for the purpose of pre-employment drug testing; and to make minor revisions to the series specifications for Peace Officer, Developmental Center and Fire Fighter/Fire Chief to update the language.

Persons Participating:

Patricia Embly, Staff, California State Personnel Board  
Gregory Wagner, Ph.D., Senior Psychologist, Department of  
Developmental Services  
Beth J. Meneely, Chief, Operations Unit, Department of  
Developmental Services

ACTION: Adopted staff's recommendation

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

3. HEARING - STATE COMPENSATION INSURANCE FUND (SCIF)  
CONTRACT HEARING PSC NO. 00-03  
Appeal of the State Compensation Insurance Fund from the  
Executive Officer's  
September 12, 2000 disapproval of SCIF's contract with  
Curials, Dellaverson, Hirschfeld, Kelly & Kramer LLP in  
response to the request for review submitted by the  
Association of California State Attorneys and  
Administrative Law Judges.

Persons Participating:

Charles Savage, Attorney in Charge, State Compensation  
Insurance Fund  
Timothy K. Talbot, Attorney at Law, Carroll, Burdick &  
McDonough LLP

ACTION: Submitted

4. ORAL ARGUMENT  
Oral argument in the matter of BILLY TAYLOR, CASE NO. 00-  
0520. Appeal from dismissal. Department of Corrections.

Persons Participating:

Ina Arnold, Senior Hearing Representative, California  
Correctional Peace Officers Association, representing  
appellant



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Barbara L. Sheldon, Senior Staff Counsel, representing  
Department of Corrections

ACTION: On February 7, 2001, adopted proposed decision  
sustaining dismissal.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

5. HEARING - CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)  
CONTRACT HEARING PSC NO. 00-04  
Appeal of the California State Employees Association from  
the Executive Officer's September 20, 2000 approval of  
the contracts between the California Public Utilities  
Commission and Larkin & Associates and Overland  
Consulting for Auditing Services.

Persons Participating:

Pamela Nataloni, Attorney at Law, Public Utilities  
Commission

Harry Gibbons, Staff Attorney, California State Employees  
Association

ACTION: Submitted

6. ORAL ARGUMENT  
Oral argument in the matter of STEPHANIE T. LAAM, CASE  
NO. 00-0340. Appeal from dismissal. Department of  
Corrections.

Persons Participating:

Michelle L. Hoy, Staff Legal Counsel, California  
Correctional Peace Officers Association, representing  
appellant

Linda M. Nelson, Labor Relations Counsel, representing  
Department of Personnel Administration

ACTION: Submitted

#### BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF JANUARY 17, 2001

ACTION: Adopted on February 7, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: See pages 15-16.

9. ADMINISTRATIVE LAW JUDGE CASES

On February 7, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

CHIEF COUNSEL RESOLUTIONS

LUKE LUJAN, CASE NO.99-3884

Appeal from Dismissal

Department of Exposition and State Fair

ACTION: Stipulation for Settlement Approved

ARMANDO MARTINES, CASE NO.00-4138

Appeal from Suspension Six Days or More

Department of Transportation

ACTION: Stipulation for Settlement Approved

ROBERT SMITH, CASE NO. 00-3276

Appeal from Dismissal

Department of Transportation

ACTION: Stipulation for Settlement Approved

DUANE WILES, CASE NO. 00-2422

Appeal from Demotion

Department of Transportation

ACTION: Stipulation for Settlement Approved

BEVERLEY FOREMAN, CASE NO. 00-2215

Appeal from suspension of six days or more

State Personnel Board

ACTION: Adopted decision that clarifies the terms of the settlement agreement.

PROPOSED DECISIONS

FRED L. OWENS, CASE NO. 00-1134

Appeal from Dismissal

Department of the Youth Authority

ACTION: Proposed decision rejected by Board and remanded to Administrative Law Judge

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CHRISTOPHER L. CARTER CASE NO. 00-1405

Appeal from Dismissal

Department of Corrections

ACTION: Dismissal sustained

RAFAEL CHAVEZ, CASE NO. 00-2481

Appeal from Five Percent Reduction in Salary for Six  
Months

Department of Developmental Services

ACTION: Five percent reduction in salary for six months  
revoked

KIMBERLY REED, CASE NO. 00-2528

Appeal from Dismissal

Department of Developmental Services

ACTION: Dismissal revoked

WILLIAM DUARTE, CASE NO. 00-3089

Appeal from Dismissal

Department of Corrections

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

DUANE A. SCHNEIDER, CASE NO. 00-3561

Appeal from Suspension for Five Workdays

Department of Motor Vehicles

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

MICHAEL STATON, CASE NO. 99-3155

Appeal from Denial of Complaint of Disability

Discrimination in Violation of ADA

Department of Justice

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

TODD SMITH, CASE NO. 99-5052

Appeal for Determination of Back Salary and Benefits  
after Reinstatement

Department of Consumer Affairs

ACTION: Backpay awarded and interest on outstanding  
amount due, interest on medical expenses, payment of  
attorney and accountant fees denied

ROBERTO NAJAR, II, CASE NO. 00-1232

Appeal from Rejection during Probationary Period

Department of Health Services

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ACTION: Rejection during probationary period denied

PETER TURNER, CASE NO. 99-4976

Appeal from One-Step Reduction in Salary for Five Months

Department of Transportation

ACTION: One-step reduction in salary for five months sustained

DANIEL WELCH, CASE NO. 00-2416

Appeal from Dismissal

Department of Mental Health

ACTION: Dismissal modified to 180 days suspension

ENRIQUE M. SANCHEZ, CASE NO. 00-2810

Appeal from Dismissal

Department of Corrections

ACTION: Dismissal sustained

JENNIFER L. KILL, CASE NO. 00-2164

Appeal from Dismissal

Department of Corrections

ACTION: Dismissal sustained

DAVID MUNOZ, CASE NO. 00-1126

Appeal from Dismissal

Department of the Youth Authority

ACTION: Dismissal revoked

GUY JONES, CASE NO. 00-1109

Appeal from Dismissal

Department of the Youth Authority

ACTION: Dismissal revoked

ARMANDO R. HEREDIA, CASE NO. 00-2621

Appeal from Official Letter of Reprimand

Department of Corrections

ACTION: Official letter of reprimand sustained

CRYSTAL D. QUARTEY, CASE NO. 00-1276

Appeal from Dismissal

Department of Veterans Affairs

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

ROSE E. LEONARD, CASE NO. 99-3864

Appeal of Retaliation

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Department of Corrections

ACTION: Complaint of retaliation dismissed

SEYED SHARIFI, CASE NO. 00-1582

Appeal from Rejection of Probationary Period

Department of Transportation

ACTION: Rejection during probationary period sustained

GENESTHER M. TAYLOR, CASE NO. 00-0200

Appeal from Ten Working Days Suspension

Stephen P. Teale Data Center

ACTION: Ten working days suspension sustained

PETITIONS FOR REHEARING

ARACELLI C. CARBONELL, CASE NO'S

00-0926P/00-1314P

Appeals from Official Reprimand and 57 Days Suspension

Public Utilities Commission

ACTION: Petition for rehearing filed by appellant denied

REX GEORGE MOORES, CASE NO. 99-2286P

Appeal from Dismissal

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied

RICHARD SIEGEL, CASE NO. 99-4229P

Appeal from demotion

Department of Transportation

ACTION: Petition for rehearing filed by appellant denied

DEBORAH STALEY, CASE NO. 99-4820P

Appeal from Determination of Back Salary

Department of Food and Agriculture

ACTION: Petition for rehearing filed by appellant denied

INTERNATIONAL UNION OF OPERATING ENGINEERS,

CASE NO. 00-2290 (PSC No. 00-02)

Appeal from Executive Officer's Decision

California Science Center

ACTION: Petition for rehearing filed by department  
denied

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 17-19.

11. MISCELLANEOUS APPEALS DIVISION CASES

(Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)

On February 7, 2001, the Board adopted the following decisions presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

- A. TINA M. BURMEISTER, CASE NO. 99-3750  
Classification: Motor Vehicle Field Rep.  
Department of Corrections  
ACTION: GRANTED
- B. CONRAD COSICO, CASE NO. 00-0869  
Classification: Youth Correctional Officer  
Department of the Youth Authority  
ACTION: DENIED
- C. MICHAEL S. BOIM, CASE NO. 00-1681  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- D. DAVID SANCHEZ, CASE NO. 00-0333  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- E. JUAN ARANDA, CASE NO. 00-1997  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- F. JAMES GIBSON III, CASE NO. 00-2047  
Classification: Casework Specialist CYA  
Department of the Youth Authority  
ACTION: DENIED
- G. JOANNA C. NELSON, CASE NO. 00-3415  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED
- H. BRAD D. EDWARDS, CASE NO. 99-5053  
Classification: State Park Ranger Cadet

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Department of Parks and Recreation

ACTION: GRANTED

- I. LIBRADO GARCIA, CASE NO. 00-2158  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED
- J. MARIO R. SOLORZANO, CASE NO. 00-2157  
Classification: Cadet, CHP  
Department of California Highway Patrol  
ACTION: GRANTED
- K. JOSEPH GRANGLE, CASE NO. 00-2391  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED
- L. JENETTA THOMPSON, CASE NO. 00-2042  
Classification: Youth Correctional Officer  
Department of the Youth Authority  
ACTION: DENIED
- M. YOLANDA M. GERALD, CASE NO. 00-1789  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- N. WILLIAM ESSEX, CASE NO. 00-2256  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- O. JOE D. SANCHEZ, CASE NO. 99-5267  
Classification: Dentist, CF I  
Department of Corrections  
ACTION: DENIED
- P. WESCOTT CORTES, CASE NO. 00-2259  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- Q. TONYA PREZZIE, CASE NO. 00-2260  
Classification: Youth Correctional Officer  
Department of the Youth Authority  
ACTION: DENIED

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- R. MICHAEL T. GWINNUP, CASE NO. 00-2037  
Classification: Cadet, CHP  
Department of California Highway Patrol  
ACTION: DENIED
- S. TERRY GOODEN, CASE NO. 00-1702  
Classification: Correctional Officer  
Department of the Youth Authority  
ACTION: DENIED
- T. GUSTAVO MUNOZ, CASE NO. 00-2666  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- U. RICARDO AGUILAR, CASE NO. 00-2049  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- V. CAROLS R. WRIGHT, CASE NO. 00-2159  
Classification: Medical Tech Assistant, CF  
Department of Corrections  
ACTION: DENIED
- W. TAMMY P. VALDEZ, CASE NO. 00-1652  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- X. CHRIS ANDERSON, CASE NO. 00-1698  
Classification: Assoc. Info. Systems Analyst Spec.  
State Personnel Board  
ACTION: DENIED
- Y. MANUEL OLEA, CASE NO. 00-1402  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- Z. JOHNNY G. MENDEZ, CASE NO. 00-2404  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- AA. JOSEPH A. HERRIN, CASE NO. 00-2348



Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

BB. MARICELA BUGARIN, CASE NO. 00-2401  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

CC. PAUL ESQUEDA, CASE NO. 00-2266  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

DD. LYNN K. DINH, CASE NO. 00-2337  
Classification: Assoc. Info Systems Analyst.  
Specialist  
State Personnel Board  
ACTION: DENIED

EE. TODD SNOEYENBOS, CASE NO. 00-2258  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

FF. GREG J. MOORE, CASE NO. 00-1827  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

GG. ALYCIA A. BENSON, CASE NO. 00-1503  
Classification: Parole Agent I, Adult Parole  
Department of Corrections  
ACTION: DISMISSED

HH. JAIME OCHOA, CASE NO. 00-2347  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

II. JOSEPH M. HICKMAN, CASE NO. 00-3684  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED

JJ. DEVIN J. WILLIAMS, CASE NO. 00-3787  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

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KK. JOSE M, GONZALEZ, CASE NO. 00-1805  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

12. MEDICAL APPEALS

On February 7, 2001, the Board adopted the following decisions presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

A. PHIL HUDECEK, CASE NO. 00-2187  
Classification: Food and Drug Investigator  
Department of Health Services  
ACTION: DENIED

B. SAM OWENS, CASE NO. 00-1754  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

C. CARBAJAL BLACKSTEAD, CASE NO. 00-2048  
Classification: Nurse Practitioner  
Department of Mental Health  
ACTION: DENIED

D. MARGARET VIGIL, CASE NO. 00-3374  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

E. PAT PHILLIPS, CASE NO. 00-3689  
Classification: Correctional Officer  
State Personnel Board  
ACTION: DISMISSED

13. EXAMINATION APPEALS

On February 7, 2001, the Board adopted the following decisions presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

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- A. LEANN MAESTRETTI, CASE NO. 00-1903  
Classification: Program Technician III  
California State Controller's Office  
ACTION: DENIED
  - B. AFOLABI O. ADESANYA, CASE NO. 00-1368  
Classification: Transportation Engineer (Civil)  
California Department of Transportation  
ACTION: DENIED
  - C. MAURICE K. VILLINES, CASE NO. 00-3603  
Classification: Correctional Officer  
Department of Corrections  
ACTION: WITHDRAWN
14. MERIT ISSUE COMPLAINT APPEALS  
On February 7, 2001, the Board adopted the following decisions presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
- A. DAMON OGIER, CASE NO. 00-1032  
Classification: Peace Officer I  
Department of Developmental Services  
ACTION: DISMISSED
15. REQUEST TO FILE CHARGES CASES  
On February 7, 2001, the Board adopted the following decisions presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
- A. ED LOPEZ, CASE NO. 00-1548  
An employee of the Department of Developmental Services  
ACTION: DENIED
  - B. DEIDRE CYPRIAN, CASE NO. 00-2343  
A member of the general public  
ACTION: DENIED

- C. ROBERT BURKS, CASE NO. 00-1328  
An employee of the California Highway Patrol  
ACTION: DENIED

16. NON-HEARING CALENDAR

On February 7, 2001, the Board adopted item "A". This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

- A. PROGRAM EVALUATOR, CALPERS  
PROGRAM EVALUATOR SPECIALIST (INFORMATION SYSTEMS), CALPERS  
The California Public Employees Retirement System proposes the establishment of two new class series, Program Evaluator, CalPers and Program Evaluator Specialist (Information Systems, CalPers; establishment of a 12-month probationary period for each classification; reallocation of current incumbents; and establishment of Alternate Range Criteria 429.

17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) CHIEF, POLICY RESEARCH AND PLANNING DIVISION  
The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position is responsible for developing and implementing the Department's Total Quality Management and planning efforts that include the overall research, development, and coordination of the Department's consumer advocacy research and grant writing functions. The position is responsible for encompassing into the strategic plan the Governor's Executive Order D-17-00, "Government Initiative" for the Department which is designed to bring state government closer to consumers and business through the use of technology. The department indicates that the position will be at the second organizational level and will report to the directorate.

- (2) CHIEF, PARK UNIT DEVELOPMENT AND CAPITAL OUTLAY

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The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The Chief of Park Unit Development and Capital Outlay will be responsible for shaping statewide policy for the development of park unit design plans for the existing 266 park units, as well as the establishment of new park units and the Department's capital outlay program. The department indicates that the position will be at the third organizational level and will report to the Deputy Director, Park Design and Construction.

(3) SPECIAL ASSISTANT TO THE DIRECTOR

The Employment Development Department proposes to allocate the above position to the CEA category. The Special Assistant to the Director will serve as the principle liaison between the California Health and Human Services Agency (CHHS) and the Employment Development Department (EDD) ensuring coordination and implementation of new policies related to Governor's Initiatives, as well as significant administrative and program issues affecting the EDD and the CHHS. The department indicates that the position will be at the second organizational level and will report to the Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) PROGRAM MANAGER, INNOVATIVE FINANCE

The Department of Transportation's request to allocate the above position to the CEA category has been approved effective December 22, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held September 6, 2000).

NO ACTION

2. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and transfer. Department of Corrections. (Oral argument held November 1, 2000).

NO ACTION

3. TERRANCE WILSON, CASE NO. 00-0836. Appeal from dismissal. Department of Corrections. (Oral argument held December 7, 2000).

ACTION: On February 7, 2001, adopted Board decision modifying dismissal to a six-month suspension.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

4. JOHN MEDEIROS, CASE NO. 99-4812. Appeal from dismissal. Department of Corrections. (Oral argument held December 7, 2000).

ACTION: On February 7, 2001, adopted Board decision sustaining dismissal.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

5. LISANDRO DE HOYOS, CASE NO. 99-1478. Appeal from discrimination and retaliation. Department of Corrections. (Oral argument held December 8, 2000).

ACTION: On February 7, 2001, adopted Board decision finding that appellant had been retaliated against for having complained of discrimination and ordering the Department to cease and desist from all further retaliatory acts, but awarding no compensatory damages due to a lack of proof.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

6. DAVID PINSON, CASE NO. 99-5344P. Appeal from 5 working days suspension. Department of Corrections. (Oral argument held January 3, 2001).

NO ACTION

7. GARY WAYNE, CASE NO. 00-1325. Appeal from 5 percent reduction in salary for 12 months. Department of Corrections. (Administrative Law Judge's proposed decision presented January 17, 2001).

ACTION: On February 7, 2001, adopted Board decision revoking 5 percent reduction in salary for 12 months.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

8. TIM MCDERMOTT, CASE NO. 00-0521. Appeal from official reprimand. Department of Corrections. (Administrative Law Judge's proposed decision presented January 17, 2001).

ACTION: On February 7, 2001, adopted Board decision revoking official reprimand.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

**\*NOTE: The cases of Gary Wayne and Tim McDermott were decided in one decision.**

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the Cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.



Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on February 7, 2001.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.